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COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SAMPLE COLLECTION AND TESTING SYSTEM, the specification of which:

- ☐ is attached hereto.
☒ was filed on September 12, 2001 as Application Serial No. 09/936,452 and was amended on _____
☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

| Country | Application No. | Filing Date | Priority Claimed |
|-----------|-----------------|----------------|---|
| Australia | PP 9157/99 | March 11, 1999 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| PCT | PCT/AU00/00180 | March 10, 2000 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|--|--|
| Janis K. Fraser, Ph.D., J.D., Reg. No. <u>34,819</u> | John W. Freeman, Reg. No. <u>29,066</u> |
| Timothy A. French, Reg. No. <u>30,175</u> | Anita L. Meiklejohn, Ph.D., Reg. No. <u>35,283</u> |
| Ralph A. Mittelberger, Reg. No. <u>33,195</u> | J. Peter Fasse, Reg. No. <u>32,983</u> |

Address all telephone calls to JANIS K. FRASER, PH.D., J.D. at telephone number (617) 542-5070.

Address all correspondence to JANIS K. FRASER, PH.D., J.D. at:

FISH & RICHARDSON P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

09936452-122301

Combined Declaration and Power of Attorney

Page 2 of 2 Pages

1-00 Full Name of Inventor: HOWARD MILNE CHANDLER

Inventor's Signature: x H.M. Chandler

Date: x November 15, 2001

Residence Address: Yarmouth, ME 04096

Citizenship: ME
Australia

Post Office Address: 857 Princes Point Road, Yarmouth, ME 04096

203221, 25496669 Full Name of Inventor: LAWRENCE CHARLES LA POINTE

Inventor's Signature: x [Signature]

Date: x NOVEMBER 15, 2001

Residence Address: New South Wales, Australia

Citizenship: Aux
United States

Post Office Address: 67-143 Kurraba Road, Neutral Bay, New South Wales 2089 Australia

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Applicant or Patentee: Howard M. Chandler
 Serial or Patent No.: 09/936,452 Attorney's Dkt. No. 13521-002001
 Filed or Issued: September 12, 2001
 For: SAMPLE COLLECTION AND TESTING SYSTEM

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS [37 19(f) and 1.27(c)] - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the concern identified below:
 NAME OF CONCERN ENTERIX INC.

ADDRESS OF CONCERN 348 US Route One, Falmouth, Maine 04105, United States of America

hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 100 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

Sample collection and testing system

Inventors Howard Milne CHANDLER, Lawrence Charles LA POINTE described in the specification filed herewith. (x) Filed as International Patent Application PCT/AU00/00180 application Serial No. , filed patent No. , issued

The rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any person which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

Name

Address

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name

Address

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed

Signature of PERSON SIGNING

Signature of PERSON OTHER THAN OWNER

Address of PERSON SIGNING

Signature

Howard Milne Chandler
CEO & President
857 Princeps Point Rd, Falmouth Maine 04105
H.M. Chandler DATE 9/25/01